

AMENDED IN SENATE JULY 15, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

AMENDED IN ASSEMBLY MARCH 24, 2003

AMENDED IN ASSEMBLY MARCH 17, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 292

Introduced by Assembly Member Yee
(Coauthors: Assembly Members Corbett, Diaz, Dymally,
Firebaugh, Lieber, Montanez, and Spitzer)

February 6, 2003

An act to add Section 36 to the Business and Professions Code, to add Section 21.5 to the Civil Code, to add Section 33.5 to the Code of Civil Procedure, to add Article 8 (commencing with Section 95) to Chapter 1 of Part 1 of Division 1 of Title 1 of the Education Code, to add Section 755.6 to the Evidence Code, to add Part 8 (commencing with Section 296) to Division 2 of the Family Code, to add ~~Section 27~~ *Sections 27 and 68564.5* to the Government Code, to add Section 29 to the Health and Safety Code, to add Section 49 to the Insurance Code, to add Section 30 to the Labor Code, to add Section 24.5 to the Penal Code, to add Chapter 5 (commencing with Section 1070) to Part 1 of Division 3 of the Probate Code, to add Section 22 to the Unemployment Insurance Code, and to add Section 26.5 to the Welfare and Institutions Code, relating to interpreters.

LEGISLATIVE COUNSEL'S DIGEST

AB 292, as amended, Yee. Interpreters: prohibition on use of children.

Existing law requires, or, in some instances, permits, the use of translators or interpreters by various agencies, organizations, or entities for non-English-speaking or deaf persons in connection with various functions.

This bill would prohibit a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, from using any child, or permitting any child to be used, as an interpreter, as defined, in any matter involving the business or function of that agency, organization, entity, or program, except as specified, and would require each agency, organization, entity, or program that receives state funding to have in place, and available for inspection, an established procedure for providing competent interpretation services that does not involve the use of children, as defined.

This bill would also provide that a violation of this section by a ~~nongovernmental~~ public, *except state*, or private agency, organization, entity, or program that receives state funding may result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program, and would establish requirements for the reinstatement of that funding.

Existing law specifies the various duties of the Judicial Council, including the adoption of rules of court and the administration of a program for the provision of court interpreter services in court proceedings.

This bill would state the findings and declarations of the Legislature with respect to the use of children as interpreters, and would require the Judicial Council to ensure that its court rules and the appointment of interpreters are consistent with those findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) In cases in which parents are monolingual and non-English
- 4 speakers, or deaf, it has become all too common for service



1 providers to use children as interpreters for their parents.
 2 Nongovernmental agencies, state agencies, hospitals, clinics, and
 3 law enforcement agencies have all used children as interpreters,
 4 often because the use of children provides an immediate solution
 5 to communication problems with the children's
 6 non-English-speaking or deaf parents.

7 (b) Children should not be exposed to discussions and
 8 information that is often beyond their comprehension, or to
 9 discussions and information that are inappropriate for, or
 10 unseemly to, children.

11 (c) The involvement of children as interpreters is difficult, both
 12 for the children and for the associated adults, and may lead to an
 13 agency, organization, entity, or program being misinformed as a
 14 result of a child's ignorance or shame. The involvement of children
 15 as interpreters can also be traumatizing to the children.

16 (d) The use of children as interpreters can interfere with their
 17 attendance at school.

18 (e) It is the intent of the Legislature to prohibit the use of
 19 children as interpreters by any state or local governmental agency,
 20 or any agency, organization, entity, or program that receives state
 21 funding.

22 SEC. 2. Section 36 is added to the Business and Professions
 23 Code, to read:

24 36. (a) Subject to subdivision (e), a state or local
 25 governmental agency, or a public or private agency, organization,
 26 entity, or program that receives state funding, may not use any
 27 child, or permit any child to be used, as an interpreter in any matter
 28 involving the business or function of that agency, organization,
 29 entity, or program, and shall have in place, and available for
 30 inspection, an established procedure for providing competent
 31 interpretation services that does not include the use of children.

32 (b) A violation of this section by a ~~nongovernmental public~~
 33 *public, except state*, or private agency, organization, entity, or
 34 program that is supported by state funding may result in the loss
 35 of state funding to, or the cancellation of state contracts with, that
 36 agency, organization, entity, or program. *However, no action may*
 37 *be taken by a state or local governmental agency providing state*
 38 *funding to, or contracting with, an entity subject to this subdivision*
 39 *until after 90 days of the date the violation is reported, in order to*
 40 *give that entity the opportunity to comply with this section.*

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as interpreters.

(2) Established procedures to ensure that children will not be utilized as interpreters by the agency, organization, entity, or program.

(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including those involving office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available so long as a competent interpreter is provided as soon as possible.

(5) To assist with simple queries at any authorized retail food vendor concerning the receipt of benefits through the California Special Supplemental Food Program for Women, Infants, and Children (WIC), federal Food Stamp Program, or other similar public benefit programs.

(f) For purposes of this section:

(1) "Child" means a person who is under the age of 15 years.

(2) "Established procedure for providing competent interpretation" means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient or deaf persons. A state agency shall include a description of these procedures in its implementation

1 plan submitted to the State Personnel Board pursuant to Section
2 7299.4 of the Government Code.

3 (3) “Interpreter” means a person who orally translates from
4 one language to another.

5 SEC. 3. Section 21.5 is added to the Civil Code, to read:

6 21.5. (a) Subject to subdivision (e), a state or local
7 governmental agency, or a public or private agency, organization,
8 entity, or program that receives state funding, may not use any
9 child, or permit any child to be used, as an interpreter in any matter
10 involving the business or function of that agency, organization,
11 entity, or program, and shall have in place, and available for
12 inspection, an established procedure for providing competent
13 interpretation services that does not include the use of children.

14 (b) A violation of this section by a ~~nongovernmental public~~
15 *public, except state*, or private agency, organization, entity, or
16 program that is supported by state funding may result in the loss
17 of state funding to, or the cancellation of state contracts with, that
18 agency, organization, entity, or program. *However, no action may*
19 *be taken by a state or local governmental agency providing state*
20 *funding to, or contracting with, an entity subject to this subdivision*
21 *until after 90 days of the date the violation is reported, in order to*
22 *give that entity the opportunity to comply with this section.*

23 (c) State funding or any contract terminated pursuant to
24 subdivision (b) shall not be reinstated until the state agency
25 providing that state funding has determined that the agency,
26 organization, entity, or program has done both of the following:

27 (1) Terminated the use of children as interpreters.

28 (2) Established procedures to ensure that children will not be
29 utilized as interpreters by the agency, organization, entity, or
30 program.

31 (d) The State Personnel Board may conduct investigations and
32 take all reasonable actions to effectuate the purposes of this section
33 with respect to state agencies.

34 (e) Nothing in this section shall prohibit an agency,
35 organization, entity, or program from using a child to interpret in
36 any of the following situations:

37 (1) To help determine a limited-English-proficient person’s
38 primary language.

39 (2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including those involving office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

(5) To assist with simple queries at any authorized retail food vendor concerning the receipt of benefits through the California Special Supplemental Food Program for Women, Infants, and Children (WIC), federal Food Stamp Program, or other similar public benefit programs.

(f) For purposes of this section:

(1) “Child” means a person who is under the age of 15 years.

(2) “Established procedure for providing competent interpretation” means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient or deaf persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.

(3) “Interpreter” means a person who orally translates from one language to another.

SEC. 4. Section 33.5 is added to the Code of Civil Procedure, to read:

33.5. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, may not use any child, or permit any child to be used, as an interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for providing competent interpretation services that does not include the use of children.

(b) A violation of this section by a ~~nongovernmental public~~ *public, except state*, or private agency, organization, entity, or program that is supported by state funding may result in the loss of state funding to, or the cancellation of state contracts with, that

1 agency, organization, entity, or program. *However, no action may*
2 *be taken by a state or local governmental agency providing state*
3 *funding to, or contracting with, an entity subject to this subdivision*
4 *until after 90 days of the date the violation is reported, in order to*
5 *give that entity the opportunity to comply with this section.*

6 (c) State funding or any contract terminated pursuant to
7 subdivision (b) shall not be reinstated until the state agency
8 providing the state funding has determined that the agency,
9 organization, entity, or program has done both of the following:

10 (1) Terminated the use of children as interpreters.

11 (2) Established procedures to ensure that children will not be
12 utilized as interpreters by the agency, organization, entity, or
13 program.

14 (d) The State Personnel Board may conduct investigations and
15 take all reasonable actions to effectuate the purposes of this section
16 with respect to state agencies.

17 (e) Nothing in this section shall prohibit an agency,
18 organization, entity, or program from using a child to interpret in
19 any of the following situations:

20 (1) To help determine a limited-English-proficient person's
21 primary language.

22 (2) To help ensure the receipt of language assistance.

23 (3) During routine and casual queries, including those
24 involving office hours or directions, or other matters that do not
25 involve the actual provision of the services of the business, or the
26 function of the agency, organization, entity, or program.

27 (4) During emergency situations affecting the immediate life,
28 safety, health, or welfare of an individual when there are no other
29 alternatives immediately available, so long as a competent
30 interpreter is provided as soon as possible.

31 (5) To assist with simple queries at any authorized retail food
32 vendor concerning the receipt of benefits through the California
33 Special Supplemental Food Program for Women, Infants, and
34 Children (WIC), federal Food Stamp Program, or other similar
35 public benefit programs.

36 (f) For purposes of this section:

37 (1) "Child" means a person who is under the age of 15 years.

38 (2) "Established procedure for providing competent
39 interpretation" means the provision of an in-person interpreter or
40 bilingual staff member, or, at a minimum, a telephonic-based

1 interpretation service or other interpretation resources that can be
2 easily used by staff members to communicate effectively with
3 limited-English-proficient or deaf persons. A state agency shall
4 include a description of these procedures in its implementation
5 plan submitted to the State Personnel Board pursuant to Section
6 7299.4 of the Government Code.

7 (3) “Interpreter” means a person who orally translates from
8 one language to another.

9 SEC. 5. Article 8 (commencing with Section 95) is added to
10 Chapter 1 of Part 1 of Division 1 of Title 1 of the Education Code,
11 to read:

12
13 Article 8. Interpreters
14

15 95. (a) Subject to subdivision (e), a state or local
16 governmental agency, or a public or private agency, organization,
17 entity, or program that receives state funding, may not use any
18 child, or permit any child to be used, as an interpreter in any matter
19 involving the business or function of that agency, organization,
20 entity, or program, and shall have in place, and available for
21 inspection, an established procedure for providing competent
22 interpretation services that does not include the use of children.

23 (b) A violation of this section by a ~~nongovernmental public~~
24 *public, except state*, or private agency, organization, entity, or
25 program that is supported by state funding may result in the loss
26 of state funding to, or the cancellation of state contracts with, that
27 agency, organization, entity, or program. *However, no action may*
28 *be taken by a state or local governmental agency providing state*
29 *funding to, or contracting with, an entity subject to this subdivision*
30 *until after 90 days of the date the violation is reported, in order to*
31 *give that entity the opportunity to comply with this section.*

32 (c) State funding or any contract terminated pursuant to
33 subdivision (b) shall not be reinstated until the agency,
34 organization, entity, or program has done both of the following:

35 (1) Terminated the use of children as interpreters.

36 (2) Established procedures to ensure that children will not be
37 utilized as interpreters by the agency, organization, entity, or
38 program.

(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including those involving office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

(5) To assist with simple queries at any authorized retail food vendor concerning the receipt of benefits through the California Special Supplemental Food Program for Women, Infants, and Children (WIC), federal Food Stamp Program, or other similar public benefit programs.

(f) For purposes of this section:

(1) "Child" means a person who is under the age of 15 years.

(2) "Established procedure for providing competent interpretation" means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient or deaf persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.

(3) "Interpreter" means a person who orally translates from one language to another.

SEC. 6. Section 755.6 is added to the Evidence Code, to read:

755.6. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, may not use any child, or permit any child to be used, as an interpreter in any matter

1 involving the business or function of that agency, organization,
2 entity, or program, and shall have in place, and available for
3 inspection, an established procedure for providing competent
4 interpretation services that does not include the use of children.

5 (b) A violation of this section by a ~~nongovernmental public~~
6 *public, except state*, or private agency, organization, entity, or
7 program that is supported by state funding may result in the loss
8 of state funding to, or the cancellation of state contracts with, that
9 agency, organization, entity, or program. *However, no action may*
10 *be taken by a state or local governmental agency providing state*
11 *funding to, or contracting with, an entity subject to this subdivision*
12 *until after 90 days of the date the violation is reported, in order to*
13 *give that entity the opportunity to comply with this section.*

14 (c) State funding or any contract terminated pursuant to
15 subdivision (b) shall not be reinstated until the state agency
16 providing the state funding has determined that the agency,
17 organization, entity, or program has done both of the following:

18 (1) Terminated the use of children as interpreters.

19 (2) Established procedures to ensure that children will not be
20 utilized as interpreters by the agency, organization, entity, or
21 program.

22 (d) The State Personnel Board may conduct investigations and
23 take all reasonable actions to effectuate the purposes of this section
24 with respect to state agencies.

25 (e) Nothing in this section shall prohibit an agency,
26 organization, entity, or program from using a child to interpret in
27 any of the following situations:

28 (1) To help determine a limited-English-proficient person's
29 primary language.

30 (2) To help ensure the receipt of language assistance.

31 (3) During routine and casual queries, including those
32 involving office hours or directions, or other matters that do not
33 involve the actual provision of the services of the business, or the
34 function of the agency, organization, entity, or program.

35 (4) During emergency situations affecting the immediate life,
36 safety, health, or welfare of an individual when there are no other
37 alternatives immediately available, so long as a competent
38 interpreter is provided as soon as possible.

39 (5) To assist with simple queries at any authorized retail food
40 vendor concerning the receipt of benefits through the California

1 Special Supplemental Food Program for Women, Infants, and
2 Children (WIC), federal Food Stamp Program, or other similar
3 public benefit programs.

4 (f) For purposes of this section:

5 (1) “Child” means a person who is under the age of 15 years.

6 (2) “Established procedure for providing competent
7 interpretation” means the provision of an in-person interpreter or
8 bilingual staff member, or, at a minimum, a telephonic-based
9 interpretation service or other interpretation resources that can be
10 easily used by staff members to communicate effectively with
11 limited-English-proficient or deaf persons. A state agency shall
12 include a description of these procedures in its implementation
13 plan submitted to the State Personnel Board pursuant to Section
14 7299.4 of the Government Code.

15 (3) “Interpreter” means a person who orally translates from
16 one language to another.

17 SEC. 7. Part 8 (commencing with Section 296) is added to
18 Division 2 of the Family Code, to read:

19
20 PART 8. INTERPRETERS

21
22 296. (a) Subject to subdivision (e), a state or local
23 governmental agency, or a public or private agency, organization,
24 entity, or program that receives state funding, may not use any
25 child, or permit any child to be used, as an interpreter in any matter
26 involving the business or function of that agency, organization,
27 entity, or program, and shall have in place, and available for
28 inspection, an established procedure for providing competent
29 interpretation services that does not include the use of children.

30 (b) A violation of this section by a ~~nongovernmental public~~
31 *public, except state*, or private agency, organization, entity, or
32 program that is supported by state funding may result in the loss
33 of state funding to, or the cancellation of state contracts with, that
34 agency, organization, entity, or program. *However, no action may*
35 *be taken by a state or local governmental agency providing state*
36 *funding to, or contracting with, an entity subject to this subdivision*
37 *until after 90 days of the date the violation is reported, in order to*
38 *give that entity the opportunity to comply with this section.*

39 (c) State funding or any contract terminated pursuant to
40 subdivision (b) shall not be reinstated until the state agency

1 providing the state funding has determined that the agency,
2 organization, entity, or program has done both of the following:

3 (1) Terminated the use of children as interpreters.

4 (2) Established procedures to ensure that children will not be
5 utilized as interpreters by the agency, organization, entity, or
6 program.

7 (d) The State Personnel Board may conduct investigations and
8 take all reasonable actions to effectuate the purposes of this section
9 with respect to state agencies.

10 (e) Nothing in this section shall prohibit an agency,
11 organization, entity, or program from using a child to interpret in
12 the following situations:

13 (1) To help determine a limited-English-proficient person's
14 primary language.

15 (2) To help ensure the receipt of language assistance.

16 (3) During routine and casual queries, including those
17 involving office hours or directions, or other matters that do not
18 involve the actual provision of the services of the business, or the
19 function of the agency, organization, entity, or program.

20 (4) During emergency situations affecting the immediate life,
21 safety, health, or welfare of an individual when there are no other
22 alternatives immediately available, so long as a competent
23 interpreter is provided as soon as possible.

24 (5) To assist with simple queries at any authorized retail food
25 vendor concerning the receipt of benefits through the California
26 Special Supplemental Food Program for Women, Infants, and
27 Children (WIC), federal Food Stamp Program, or other similar
28 public benefit programs.

29 (f) For the purposes of this section:

30 (1) "Child" means a person who is under the age of 15 years.

31 (2) "Established procedure for providing competent
32 interpretation" means the provision of an in-person interpreter or
33 bilingual staff member, or, at a minimum, a telephonic-based
34 interpretation service or other interpretation resources that can be
35 easily used by staff members to communicate effectively with
36 limited-English-proficient or deaf persons. A state agency shall
37 include a description of these procedures in its implementation
38 plan submitted to the State Personnel Board pursuant to Section
39 7299.4 of the Government Code.

1 (3) “Interpreter” means a person who orally translates from
2 one language to another.

3 SEC. 8. Section 27 is added to the Government Code, to read:

4 27. (a) Subject to subdivision (e), a state or local
5 governmental agency, or a public or private agency, organization,
6 entity, or program that receives state funding, may not use any
7 child, or permit any child to be used, as an interpreter in any matter
8 involving the business or function of that agency, organization,
9 entity, or program, and shall have in place, and available for
10 inspection, an established procedure for providing competent
11 interpretation services that does not include the use of children.

12 (b) A violation of this section by a ~~nongovernmental public~~
13 *public, except state*, or private agency, organization, entity, or
14 program that is supported by state funding may result in the loss
15 of state funding to, or the cancellation of state contracts with, that
16 agency, organization, entity, or program. *However, no action may*
17 *be taken by a state or local governmental agency providing state*
18 *funding to, or contracting with, an entity subject to this subdivision*
19 *until after 90 days of the date the violation is reported, in order to*
20 *give that entity the opportunity to comply with this section.*

21 (c) State funding or any contract terminated pursuant to
22 subdivision (b) shall not be reinstated until the state agency
23 providing the state funding has determined that the agency,
24 organization, entity, or program has done both of the following:

25 (1) Terminated the use of children as interpreters.

26 (2) Established procedures to ensure that children will not be
27 utilized as interpreters by the agency, organization, entity, or
28 program.

29 (d) The State Personnel Board may conduct investigations and
30 take all reasonable actions to effectuate the purposes of this section
31 with respect to state agencies.

32 (e) Nothing in this section shall prohibit an agency,
33 organization, entity, or program from using a child to interpret in
34 any of the following situations:

35 (1) To help determine a limited-English-proficient person’s
36 primary language.

37 (2) To help ensure the receipt of language assistance.

38 (3) During routine and casual queries, including those
39 involving office hours or directions, or other matters that do not

1 involve the actual provision of the services of the business, or the
2 function of the agency, organization, entity, or program.

3 (4) During emergency situations affecting the immediate life,
4 safety, health, or welfare of an individual when there are no other
5 alternatives immediately available, so long as a competent
6 interpreter is provided as soon as possible.

7 (5) To assist with simple queries at any authorized retail food
8 vendor concerning the receipt of benefits through the California
9 Special Supplemental Food Program for Women, Infants, and
10 Children (WIC), federal Food Stamp Program, or other similar
11 public benefit programs.

12 (f) For the purposes of this section:

13 (1) “Child” means a person who is under the age of 15 years.

14 (2) “Established procedure for providing competent
15 interpretation” means the provision of an in-person interpreter or
16 bilingual staff member, or, at a minimum, a telephonic-based
17 interpretation service or other interpretation resources that can be
18 easily used by staff members to communicate effectively with
19 limited-English-proficient or deaf persons. A state agency shall
20 include a description of these procedures in its implementation
21 plan submitted to the State Personnel Board pursuant to Section
22 7299.4.

23 (3) “Interpreter” means a person who orally translates from
24 one language to another.

25 SEC. 9. Section 68564.5 is added to the Government Code, to
26 read:

27 68564.5. *The Judicial Council shall ensure that the*
28 *appointment of interpreters pursuant to, and the rules of court*
29 *adopted by the Judicial Council to implement, this article are*
30 *consistent with the findings and declarations set forth in Section*
31 *1 of Assembly Bill 292 of the 2003–04 Regular Session concerning*
32 *the intent of the Legislature to prohibit the use of children as*
33 *interpreters, except under specified circumstances.*

34 SEC. 10. Section 29 is added to the Health and Safety Code,
35 to read:

36 29. (a) Subject to subdivision (e), a state or local
37 governmental agency, or a public or private agency, organization,
38 entity, or program that receives state funding, may not use any
39 child, or permit any child to be used, as an interpreter in any matter
40 involving the business or function of that agency, organization,

1 entity, or program, and shall have in place, and available for
2 inspection, an established procedure for providing competent
3 interpretation services that does not include the use of children.

4 (b) A violation of this section by a ~~nongovernmental public~~
5 *public, except state*, or private agency, organization, entity, or
6 program that is supported by state funding may result in the loss
7 of state funding to, or the cancellation of state contracts with, that
8 agency, organization, entity, or program. *However, no action may*
9 *be taken by a state or local governmental agency providing state*
10 *funding to, or contracting with, an entity subject to this subdivision*
11 *until after 90 days of the date the violation is reported, in order to*
12 *give that entity the opportunity to comply with this section.*

13 (c) State funding or any contract terminated pursuant to
14 subdivision (b) shall not be reinstated until the state agency
15 providing the state funding has determined that the agency,
16 organization, entity, or program has done both of the following:

17 (1) Terminated the use of children as interpreters.

18 (2) Established procedures to ensure that children will not be
19 utilized as interpreters by the agency, organization, entity, or
20 program.

21 (d) The State Personnel Board may conduct investigations and
22 take all reasonable actions to effectuate the purposes of this section
23 with respect to state agencies.

24 (e) Nothing in this section shall prohibit an agency,
25 organization, entity, or program from using a child to interpret in
26 any of the following situations:

27 (1) To help determine a limited-English-proficient person's
28 primary language.

29 (2) To help ensure the receipt of language assistance.

30 (3) During routine and casual queries, including those
31 involving office hours or directions, or other matters that do not
32 involve the actual provision of the services of the business, or the
33 function of the agency, organization, entity, or program.

34 (4) During emergency situations affecting the immediate life,
35 safety, health, or welfare of an individual when there are no other
36 alternatives immediately available, so long as a competent
37 interpreter is provided as soon as possible.

38 (5) To assist with simple queries at any authorized retail food
39 vendor concerning the receipt of benefits through the California
40 Special Supplemental Food Program for Women, Infants, and

1 Children (WIC), federal Food Stamp Program, or other similar
2 public benefit programs.

3 (f) For purposes of this section:

4 (1) “Child” means a person who is under the age of 15 years.

5 (2) “Established procedure for providing competent
6 interpretation” means the provision of an in-person interpreter or
7 bilingual staff member, or, at a minimum, a telephonic-based
8 interpretation service or other interpretation resources that can be
9 easily used by staff members to communicate effectively with
10 limited-English-proficient or deaf persons. A state agency shall
11 include a description of these procedures in its implementation
12 plan submitted to the State Personnel Board pursuant to Section
13 7299.4 of the Government Code.

14 (3) “Interpreter” means a person who orally translates from
15 one language to another.

16 ~~SEC. 10.—~~

17 *SEC. 11.* Section 49 is added to the Insurance Code, to read:

18 49. (a) Subject to subdivision (e), a state or local
19 governmental agency, or a public or private agency, organization,
20 entity, or program that receives state funding, may not use any
21 child, or permit any child to be used, as an interpreter in any matter
22 involving the business or function of that agency, organization,
23 entity, or program, and shall have in place, and available for
24 inspection, an established procedure for providing competent
25 interpretation services that does not include the use of children.

26 (b) A violation of this section by a ~~nongovernmental public~~
27 *public, except state*, or private agency, organization, entity, or
28 program that is supported by state funding may result in the loss
29 of state funding to, or the cancellation of state contracts with, that
30 agency, organization, entity, or program. *However, no action may*
31 *be taken by a state or local governmental agency providing state*
32 *funding to, or contracting with, an entity subject to this subdivision*
33 *until after 90 days of the date the violation is reported, in order to*
34 *give that entity the opportunity to comply with this section.*

35 (c) State funding or any contract terminated pursuant to
36 subdivision (b) shall not be reinstated until the state agency
37 providing the state funding has determined that the agency,
38 organization, entity, or program has done both of the following:

39 (1) Terminated the use of children as interpreters.

(2) Established procedures to ensure that children will not be utilized as interpreters by the agency, organization, entity, or program.

(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including those involving office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

(5) To assist with simple queries at any authorized retail food vendor concerning the receipt of benefits through the California Special Supplemental Food Program for Women, Infants, and Children (WIC), federal Food Stamp Program, or other similar public benefit programs.

(f) For purposes of this section:

(1) "Child" means a person who is under the age of 15 years.

(2) "Established procedure for providing competent interpretation" means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient or deaf persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.

(3) "Interpreter" means a person who orally translates from one language to another.

~~SEC. 11.—~~

SEC. 12. Section 30 is added to the Labor Code, to read:

30. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, may not use any child, or permit any child to be used, as an interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for providing competent interpretation services that does not include the use of children.

(b) A violation of this section by a ~~nongovernmental public~~ *public, except state*, or private agency, organization, entity, or program that is supported by state funding may result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program. *However, no action may be taken by a state or local governmental agency providing state funding to, or contracting with, an entity subject to this subdivision until after 90 days of the date the violation is reported, in order to give that entity the opportunity to comply with this section.*

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as interpreters.

(2) Established procedures to ensure that children will not be utilized as interpreters by the agency, organization, entity, or program.

(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including those involving office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other

alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

(5) To assist with simple queries at any authorized retail food vendor concerning the receipt of benefits through the California Special Supplemental Food Program for Women, Infants, and Children (WIC), federal Food Stamp Program, or other similar public benefit programs.

(f) For purposes of this section:

(1) “Child” means a person who is under the age of 15 years.

(2) “Established procedure for providing competent interpretation” means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient or deaf persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.

(3) “Interpreter” means a person who orally translates from one language to another.

~~SEC. 12.—~~

SEC. 13. Section 24.5 is added to the Penal Code, to read:

24.5. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, may not use any child, or permit any child to be used, as an interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for providing competent interpretation services that does not include the use of children.

(b) A violation of this section by a ~~nongovernmental public~~ *public, except state*, or private agency, organization, entity, or program that is supported by state funding may result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program. *However, no action may be taken by a state or local governmental agency providing state funding to, or contracting with, an entity subject to this subdivision until after 90 days of the date the violation is reported, in order to give that entity the opportunity to comply with this section.*

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as interpreters.

(2) Established procedures to ensure that children will not be utilized as interpreters by the agency, organization, entity, or program.

(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including those involving office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

(5) To assist with simple queries at any authorized retail food vendor concerning the receipt of benefits through the California Special Supplemental Food Program for Women, Infants, and Children (WIC), federal Food Stamp Program, or other similar public benefit programs.

(f) For purposes of this section:

(1) "Child" means a person who is under the age of 15 years.

(2) "Established procedure for providing competent interpretation" means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient or deaf persons. A state agency shall include a description of these procedures in its implementation

plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.

(3) “Interpreter” means a person who orally translates from one language to another.

~~SEC. 13.~~

SEC. 14. Chapter 5 (commencing with Section 1070) is added to Part 1 of Division 3 of the Probate Code, to read:

CHAPTER 5. INTERPRETERS

1070. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, may not use any child, or permit any child to be used, as an interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for providing competent interpretation services that does not include the use of children.

(b) A violation of this section by a ~~nongovernmental public~~ public, except state, or private agency, organization, entity, or program that is supported by state funding may result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program. *However, no action may be taken by a state or local governmental agency providing state funding to, or contracting with, an entity subject to this subdivision until after 90 days of the date the violation is reported, in order to give that entity the opportunity to comply with this section.*

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as interpreters.

(2) Established procedures to ensure that children will not be utilized as interpreters by the agency, organization, entity, or program.

(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including those involving office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

(5) To assist with simple queries at any authorized retail food vendor concerning the receipt of benefits through the California Special Supplemental Food Program for Women, Infants, and Children (WIC), federal Food Stamp Program, or other similar public benefit programs.

(f) For purposes of this section:

(1) "Child" means a person who is under the age of 15 years.

(2) "Established procedure for providing competent interpretation" means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient or deaf persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.

(3) "Interpreter" means a person who orally translates from one language to another.

~~SEC. 14.~~

SEC. 15. Section 22 is added to the Unemployment Insurance Code, to read:

22. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, may not use any child, or permit any child to be used, as an interpreter in any matter involving the business or function of that agency, organization,

entity, or program, and shall have in place, and available for inspection, an established procedure for providing competent interpretation services that does not include the use of children.

(b) A violation of this section by a ~~nongovernmental public~~ *public, except state*, or private agency, organization, entity, or program that is supported by state funding may result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program. *However, no action may be taken by a state or local governmental agency providing state funding to, or contracting with, an entity subject to this subdivision until after 90 days of the date the violation is reported, in order to give that entity the opportunity to comply with this section.*

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as interpreters.

(2) Established procedures to ensure that children will not be utilized as interpreters by the agency, organization, entity, or program.

(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including those involving office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

(5) To assist with simple queries at any authorized retail food vendor concerning the receipt of benefits through the California Special Supplemental Food Program for Women, Infants, and

1 Children (WIC), federal Food Stamp Program, or other similar
2 public benefit programs.

3 (f) For purposes of this section:

4 (1) “Child” means a person who is under the age of 15 years.

5 (2) “Established procedure for providing competent
6 interpretation” means the provision of an in-person interpreter or
7 bilingual staff member, or, at a minimum, a telephonic-based
8 interpretation service or other interpretation resources that can be
9 easily used by staff members to communicate effectively with
10 limited-English-proficient or deaf persons. A state agency shall
11 include a description of these procedures in its implementation
12 plan submitted to the State Personnel Board pursuant to Section
13 7299.4 of the Government Code.

14 (3) “Interpreter” means a person who orally translates from
15 one language to another.

16 ~~SEC. 15.—~~

17 *SEC. 16.* Section 26.5 is added to the Welfare and Institutions
18 Code, to read:

19 26.5. (a) Subject to subdivision (e), a state or local
20 governmental agency, or a public or private agency, organization,
21 entity, or program that receives state funding, may not use any
22 child, or permit any child to be used, as an interpreter in any matter
23 involving the business or function of that agency, organization,
24 entity, or program, and shall have in place, and available for
25 inspection, an established procedure for providing competent
26 interpretation services that does not include the use of children.

27 (b) A violation of this section by a ~~nongovernmental public~~
28 *public, except state*, or private agency, organization, entity, or
29 program that is supported by state funding may result in the loss
30 of state funding to, or the cancellation of state contracts with, that
31 agency, organization, entity, or program. *However, no action may*
32 *be taken by a state or local governmental agency providing state*
33 *funding to, or contracting with, an entity subject to this subdivision*
34 *until after 90 days of the date the violation is reported, in order to*
35 *give that entity the opportunity to comply with this section.*

36 (c) State funding or any contract terminated pursuant to
37 subdivision (b) shall not be reinstated until the state agency
38 providing the state funding has determined that the agency,
39 organization, entity, or program has done both of the following:

40 (1) Terminated the use of children as interpreters.

1 (2) Established procedures to ensure that children will not be
2 utilized as interpreters by the agency, organization, entity, or
3 program.

4 (d) The State Personnel Board may conduct investigations and
5 take all reasonable actions to effectuate the purposes of this section
6 with respect to state agencies.

7 (e) Nothing in this section shall prohibit an agency,
8 organization, entity, or program from using a child to interpret in
9 the following situations:

10 (1) To help determine a limited-English-proficient person's
11 primary language.

12 (2) To help ensure the receipt of language assistance.

13 (3) During routine and casual queries, including those
14 involving office hours or directions, or other matters that do not
15 involve the actual provision of the services of the business, or the
16 function of the agency, organization, entity, or program.

17 (4) During emergency situations affecting the immediate life,
18 safety, health, or welfare of an individual when there are no other
19 alternatives immediately available, so long as a competent
20 interpreter is provided as soon as possible.

21 (5) To assist with simple queries at any authorized retail food
22 vendor concerning the receipt of benefits through the California
23 Special Supplemental Food Program for Women, Infants, and
24 Children (WIC), federal Food Stamp Program, or other similar
25 public benefit programs.

26 (f) For purposes of this section:

27 (1) "Child" means a person who is under the age of 15 years.

28 (2) "Established procedure for providing competent
29 interpretation" means the provision of an in-person interpreter or
30 bilingual staff member, or, at a minimum, a telephonic-based
31 interpretation service or other interpretation resources that can be
32 easily used by staff members to communicate effectively with
33 limited-English-proficient or deaf persons. A state agency shall
34 include a description of these procedures in its implementation
35 plan submitted to the State Personnel Board pursuant to Section
36 7299.4 of the Government Code.

37 (3) "Interpreter" means a person who orally translates from
38 one language to another.